

KHA, DO
 (Name)
wasco state prison
 (Address)
wasco, CA 93280
 (City, State, Zip)
V25745
 (CDC Inmate No.)

2254	1983	<input checked="" type="checkbox"/>
FILING FEE PAID		
Yes	No	<input checked="" type="checkbox"/>
HFP MOTION FILED		
Yes	No	<input checked="" type="checkbox"/>
COPIES SENT TO		
Court	ProSe	<input checked="" type="checkbox"/>

FILED

2008 MAR 28 PM 2:36

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIABY RM DEPUTY

United States District Court
 Southern District of California

KHA, DO
 (Enter full name of plaintiff in this action.)

Plaintiff,

v.

DONNA POST, PRNITA, DIRECTOR
MELISSA FRITZ, SUPERVISOR DIALYSIS UNIT
BARBARA CAMPANELLA, R.N., NURSE
KRISTEN DICKERSON, R.N., NURSE
 (Enter full name of each defendant in this action.)

Defendant(s).

'08 CV 0591 W JMA

Civil Case No. _____

(To be supplied by Court Clerk)

Complaint Under the
 Civil Rights Act
 42 U.S.C. § 1983

A. Jurisdiction

Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional authority, list them below.

B. Parties

1. Plaintiff: This complaint alleges that the civil rights of Plaintiff, KHA, DO
 (print Plaintiff's name)
KHA, DO, who presently resides at wasco state prison
 (mailing address or place of confinement)
 were violated by the actions

of the below named individuals. The actions were directed against Plaintiff at

DIALYSIS UNIT on (dates) 2/7/08, 2/21/08, and 3/8/08.
 (institution/place where violation occurred) (Count 1) (Count 2) (Count 3)

2. Defendants: (Attach same information on additional pages if you are naming more than 4 defendants.)

Defendant CHRIS (name) resides in KERN County (County of residence)

and is employed as a Dialysis technician (defendant's position/title (if any)). This defendant is sued in

his/her ☐ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting

under color of law: When I bring attention about my blood got infection with CHRIS, but he just let me got infection, and my dialysis graft got shut down and stop working.

Defendant PETER, ARRIZU (name) resides in KERN County (County of residence)

and is employed as a Dialysis technician (defendant's position/title (if any)). This defendant is sued in

his/her ☐ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting

under color of law: When I bring attention about my body got a fever, but Peter he do not immediately, call a doctor and let a doctor he know about it.

Defendant JOSE, SIVEREZ (name) resides in KERN County (County of residence)

and is employed as a Dialysis technician (defendant's position/title (if any)). This defendant is sued in

his/her ☐ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting

under color of law: When I told JOSE, why do you keep mess around with my treatment, then after that JOSE, he call a waste C.O.R. RAZOR, and LEAD, to write me up. CDC 128) OR (CDC 115)

Defendant ROGER, FINCH (name) resides in KERN County (County of residence)

and is employed as a Dialysis technician (defendant's position/title (if any)). This defendant is sued in

his/her ☐ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting

under color of law: Roger, CHRIS, Peter, JOSE, all this technician they keep take turn, put me in the hard way, and the target on the machine, and also, they put my life in danger!

C. Causes of Action (You may attach additional pages alleging other causes of action and the facts supporting them if necessary.)

Count 1: The following civil right has been violated: Right to reasonable medical treatment
(E.g., right to medical care, access to courts,

title is article 8. 3350 (1)

due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 1.]

I HAVE A dialysis kidney problem in the past for (19) years. and my Aunt. SHE A PROFESSIONAL dialysis technician over (19) years also!

-1- Diet attention!

What mean, I am take care of myself VERY CAREFULLY. and I am never eat any food. to take against my own medical!

banana, orange, tomato, potato, (Chocolate, beans, peanut butter, cheese, milk, and do not to much salt, or fluid!

1) The machine do not already for using. But the nurse and a technician they keep put me on the machine. and that, make my blood turn look like a Kool-Aid. and I will get a very very sick. after I am get off to the machine!

2) No matter, How hard I am try to remove my weight extra. But after I get off the machine. my face, my stomach, and both my ankle, always still the same!

3) No matter, How long I am stay on the machine, and after I get off the machine, and my face still look pale, and swelling, and my stomach still swelling, and my ankle still Heavy!

Count 2: The following civil right has been violated: Right to reasonable medical treatment,
title is article 8. 3350 (2)
 (E.g., right to medical care, access to courts,
 due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment,
 etc.)

Supporting Facts: [Include all facts you consider important to Count 2. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 2.]

4) When I am stay on the machine, and I don't even feel the poison remove out to my system, good enough! toxin, acid, potassium, sodium and fluid!

5) A technician and nurse they always lying about my LAB, and they lying about dialysis complaint documentation, and they been cut all medication, very important for my treatment. A EPOGEN, and A CALCIEX!

6) When I am stay on the machine, and I keep lost, a white Blood Cell) and Red Blood Cell) that why, all my Body get weak, and very easy get infection!

7) They do not spend much money, on my treatment. But they help a nurse C.O. make alot money, over time on me, and the mercy Hospital, they make alot money, on me, for a surgery also!

8) A couple month a dialysis catheter got Black, or dialysis, graft and fistula, stop working, that why, I am keep going back the mercy Hospital, for a surgery, my leg, neck, chest, and my Both Arm!

9) When I am stay on the machine, four hour: and I don't have no appetite) and when I am get off the machine, then I still don't have no appetite at all, also)

Count 3: The following civil right has been violated: dialysis treatment,

CRUEL and UNUSUAL PUNISHMENT

(E.g., right to medical care, access to courts,

due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 3. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 3.]

- 10) after I get off the machine, both knee feeling weak, and Bone very pain full!
- 11) Hair stop grow, But keep falling down!
- 12) Face, stomach, ankle, still got a swelling!
- 13) Mouth still swell a urince, and infection!
- 14) Skin still a wrinkle, and got burp, by them self!
- 15) nose got bleeding, and cough some Blood!
- 16) Headach, and falling down, and I keep lost energy!
- 17) I got a Chest pain, and Heart pain, and Heart Burp!
- 18) I almost got Heart attack at night!
- 19) I got Constipation, for two, or, three day!
- 20) I Have Hot and cold, and FEVER!
- 21) I got short breath, and dialysis keep swelling, and very pain full!

D. Previous Lawsuits and Administrative Relief

1. Have you filed other lawsuits in state or federal courts dealing with the same or similar facts

involved in this case? ☐ Yes ☒ No.

If your answer is "Yes", describe each suit in the space below. [If more than one, attach additional pages providing the same information as below.]

(a) Parties to the previous lawsuit:

Plaintiffs: None

Defendants: _____ none

(b) Name of the court and docket number: None

(c) Disposition: [For example, was the case dismissed, appealed, or still pending?] _____

(d) Issues raised: _____ none

_____ None

None

_____ None

_____ None _____

(e) Approximate date case was filed: None

(i) Approximate date of disposition: _____ None

2. Have you previously sought and exhausted all forms of informal or formal relief from the proper administrative officials regarding the acts alleged in Part C above? [E.g., CDC Inmate/Parolee Appeal Form 602, etc.] ? ☒ Yes ☐ No.

If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought.

I 602) the nurse, a doctor, and technician, every way possible. I even write to the 602 Supervisor, Mr. R. Escalante, and Mrs. Cloud (ADA) medical! But I keep on getting the same response from them! But I still do not get a right dialysis treatment! Now, they still back them up, and continue allow for a technician or nurse, put me in the HARD way, and the target, and put my life in the danger!

E. Request for Relief

Plaintiff requests that this Court grant the following relief:

1. An injunction preventing defendant(s): I WANT A DOCTOR, NURSE,
and technician they pay for their mistake, and also, many
time, I am keep going BACK the MERCY Hospital for a surgery,
Knee, leg, chest, and both my arm!
2. Damages in the sum of \$ \$500,000.00
3. Punitive damages in the sum of \$ \$500,000.00
4. Other: _____

F. Demand for Jury Trial

Plaintiff demands a trial by ☒ Jury ☐ Court. (Choose one.)

G. Consent to Magistrate Judge Jurisdiction

In order to insure the just, speedy and inexpensive determination of Section 1983 Prisoner cases filed in this district, the Court has adopted a case assignment involving direct assignment of these cases to magistrate judges to conduct all proceedings including jury or bench trial and the entry of final judgment on consent of all the parties under 28 U.S.C. § 636(c), thus waiving the right to proceed before a district judge. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to utilize this efficient and expeditious program for case resolution due to the trial judge quality of the magistrate judges and to maximize access to the court system in a district where the criminal case loads severely limits the availability of the district judges for trial of civil cases. Consent to a magistrate judge will likely result in an earlier trial date. If you request that a district judge be designated to decide dispositive motions and try your case, a magistrate judge will nevertheless hear and decide all non-dispositive motions and will hear and issue a recommendation to the district judge as to all dispositive motions.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including trial, and the entry of final judgment by indicating your consent below.

Choose only one of the following:

☐ Plaintiff consents to magistrate judge jurisdiction as set forth above.

OR

☒ Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

3/18/08
Date

[Signature]
Signature of Plaintiff

JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

Do Kha

Donna Post, et al

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES)

Kern

2344 in September 1983

FILING FEE PAID
Yes ☒ No ☒

HFP MOTION FILED
Yes ☒ No ☒

COPIES SENT TO
Court ☒ Prisoner ☒

2008 MAR 28 PM 2:36

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (EXCEPT IN U.S. PLAINTIFF CASES ONLY)

DEPUTY

NOT IN LAND AND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Do Kha
PO Box 4400
Wasco, CA 93280
V-25745

ATTORNEYS (IF KNOWN)

'08 CV 0591 W JMA

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | |
|-------------------------------------|-------------------------------------|---|--------------------------|--------------------------|
| PT | DEF | | PT | DEF |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Citizen of This State | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | Citizen of Another State | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | Citizen or Subject of a Foreign Country | <input type="checkbox"/> | <input type="checkbox"/> |
| | | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> | <input type="checkbox"/> |
| | | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> | <input type="checkbox"/> |
| | | Foreign Nation | <input type="checkbox"/> | <input type="checkbox"/> |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

42 U.S.C. 1983

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reappointment
<input type="checkbox"/> Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury-Medical Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	PERSONAL PROPERTY	<input type="checkbox"/> 640 RR & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 660 Occupational Safety/Health	SOCIAL SECURITY	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (13958)	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	LABOR	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 875 Customer Challenge 12 USC
<input type="checkbox"/> Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 892 Economic Stabilization Act
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 865 RSI (405(e))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 740 Railway Labor Act	FEDERAL TAX SUITS	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other			<input type="checkbox"/> 950 Constitutionality of State
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input checked="" type="checkbox"/> 550 Civil Rights			<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 290 All Other Real Property					

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE

Docket Number

DATE March 28, 2008

SIGNATURE OF ATTORNEY OF RECORD

R. M. Kelly